IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 17 OF 2005

Gavdevi Adivashi Zopadpatti
Seva Sangh and others. ... Appellants.

V/s

Shri Rajendra Barde,
Developer and others. ... Respondents.

Mr.G.N.Salunke for the appellants.

Mrs.Geeta Mulekar, A.G.P for State.

Mr.S.R.Surana for respondent No.3.

Mr.A.Narula i/b. Jhangani Narula & Associates
for respondent No.4.

CORAM: A.S. OKA, J.

DATE: 1st March, 2005.

P.C. :

. Heard learned counsel appearing for the parties. After arguing the appeal for some time, Mr.Salunke, learned counsel appearing for the Appellant submitted that as the notice of motion is fixed for hearing in the trial Court today and as there is no ad-interim order operating from 5th November 2004, the notice of motion be directed to be heard and decided expeditiously. He submitted that all the questions on merits be kept open and the trial Court be directed to decide the motion uninfluenced by the observations made in the impugned order.

2. The said request is a reasonable. Hence I pass the following order:

O R D E R

(i) The Respondents will file their affidavit-in-reply to the notice of motion on or before 10th March 2005. The rejoinder, if any, to be filed on or before 18th March 2005.

(ii) Learned trial Judge shall hear and decide the Notice of motion finally as expeditiously as possible and in any event on or before 1st April 2005.

(iii) It is made clear that the notice of motion will be decided on its own merits without being influenced by the observations made in the impugned order dated 5th November 2004. All the contentions of the parties on merits in the notice of motion are expressly kept open.

(iv) It is obvious that all further actions of the respondents are subject to further orders which may be passed in the notice of motion.

3. Appeal is disposed of in terms of this order with no order as to costs.

4. All the concerned to act on an authenticated copy of this order.